

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## UNITED STATES DISTRICT COURT

for the

Desiree Penelope Peticion  
Petitioner

v.

Case No. \_\_\_\_\_

(Supplied by Clerk of Court)

Angela Gatto  
Respondent

(name of warden or authorized person having custody of petitioner)

FILED  
IN CLERKS OFFICE  
2020 OCT 28 AM 12:27  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: Carla Marie Conforto - Mother
- (b) Other names you have used: \_\_\_\_\_
2. Place of confinement:
  - (a) Name of institution: \_\_\_\_\_
  - (b) Address: 47 Washington Street Arlington Massachusetts
- (c) Your identification number: \_\_\_\_\_
3. Are you currently being held on orders by:
 

☐ Federal authorities
 ☒ State authorities
 ☐ Other - explain: \_\_\_\_\_
4. Are you currently:
 

☐ A pretrial detainee (waiting for trial on criminal charges)
 ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you: \_\_\_\_\_
  - (b) Docket number of criminal case: \_\_\_\_\_
  - (c) Date of sentencing: \_\_\_\_\_

☐ Being held on an immigration charge
 ☒ Other (explain): [private] house confinement without sufficient authorization arising from defective state process

## Decision or Action You Are Challenging

5. What are you challenging in this petition:
 

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention  
☐ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☒ Other (explain): structural errors in care and protection proceeding - lower court (state) clerks altered or obliterated - interfered with Mother's record on interlocutory appeal interference with Farretta rights. VS Const Amend 4.6, 14

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Middlesex Juvenile Court  
121 Third Street Cambridge, Massachusetts  
 (b) Docket number, case number, or opinion number: 19CP0037CA  
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
juvenile court clerks altered the record interfering with interlocutory appeal under c21193 in violation of 18 USC § 1501, § 1506 in the obliteration or altering documents; assault on process; Const Amend 14  
 (d) Date of the decision or action: September 8, 2020

## Your Earlier Challenges of the Decision or Action

## 7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- ☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (b) If you answered "No," explain why you did not appeal: state process itself is the grounds for habeas relief therefore, the issue has been properly presented to the state "limitation on the access of, to legal remedies" Preciser v Rodriguez, 411 US 475 (1973).

## 8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- ☐ Yes ☒ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

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If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

# 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_

- (b) Date of the removal or reinstatement order: \_\_\_\_\_

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

## 12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

MGLC 231 (Interlocutory) c 211\*3 Single Justice  
c 231 filed with Mass App Cts c 211\*3 with Single Justice

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

denied w/out a hearing but-for cause the record was altered deceiving the Single Justice  
lower court process was defective depriving Mother of the  
constitutional guarantees laid out in Halbert v Michigan

### Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Petitioner my beloved Desiree Penelope Petition detention in a house is unlawful or false such detention or confinement in a house does arise from defective process of an inferior state court WHEREFORE confinement is without sufficient authority US Const Amend 4 and 14

(a) Supporting facts (Be brief. Do not cite cases or law.):

see attachment

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

**GROUND TWO:** lower court altered the record in a bad faith attempt to usurp Petitioners rights to a Single Justice.

review violating principles of the Separation of powers doctrine and Art 29 Mass Dec of R.

(a) Supporting facts (Be brief. Do not cite cases or law.):

members of lower court clerks office are members of judicial branch of government clerks with judicial branch of government have altered the public record docket to mislead the Single Justice and Mother of Desiree Penelope Petition upon information and belief this was done to aid the executive prosecutor in violation of the Separation of powers doctrine embedded in the United States Constitution as well as Art 29 Mass Dec of R.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

**GROUND THREE:**

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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**GROUND FOUR:**

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: Immediately remove Desiree Penelope Peticion from [private] house] and have her returned to custody of her Mother Grant such other relief it may appear Petitioner Desiree Penelope Peticion is entitled to pending resolution of state process. Stay lower court proceedings until Mother is appointed counsel.

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 28th October 2020

Carla Marie Conforto - Mother

*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*